

REMARKS

The Present Amendment is submitted in response to the Office Action mailed December 3, 2008.

TELEPHONE INTERVIEW – APRIL 20, 2009

The courtesy extended to Joseph J. Catanzaro, applicant's undersigned representative, by examiner Daniel V. Venne and Supervisory Examiner Lars Olson is sincerely appreciated. During the interview the amendments of the claims as presented herein, was fully discussed in relation to the art of record cited and applied to the rejections contained in the outstanding Office Action of December 3, 2008. Although during that interview the examiners indicated that certain of the recitations included in the claims by the proposed amendment are allegedly matters of design choice, applicant's representative indicated that the recitations that are being added to the claims are not mere matters of design choice. In this regard, applicant's representative indicated that it has recently been noted that certain of these limitations are clearly not matters of design choice, but rather, have been found to have more critical significance than what was previously accorded to them.

Accordingly, it is respectfully submitted that the amendments to the claims as presented herein place the claims in condition for allowance.

Rejection Under 35 U.S.C. §103(a)

In the Office Action, Claims 1-26 were rejected as set forth hereinbelow.

Claims 1, 3, 5-10, 12, 13, 16-24 and 26 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 4,233,922 to Conway in view of U.S. Patent No. 5,398,629 to Wasenius. The claims in the present application have been amended in a manner which is believed to overcome the rejection under 35 U.S.C. §103(a).

U.S. Patent No. 4,233,922 to Conway relates to a fluid transfer system for a tanker vessel adapted for the transportation of fluid chemical and petroleum products in water. The vessel includes a hull comprising a bottom and sides, a top deck, a plurality of watertight cargo compartments disposed within the hull between the top deck and the hull bottom for receiving the fluid products, cargo expansion trunks coupled to and opening downwardly into each of the cargo compartments, branch vent lines coupled to the cargo expansion trunks and including pressure/vacuum relief valves, and a longitudinally disposed trunk vent line including a pressure/vacuum relief valve coupled to the branch vent lines and communicative with the atmosphere for venting contaminated gases formed by the fluid products and contained within the cargo compartments of the vessel from the cargo compartments through the cargo expansion trunks and the branch vent lines to the atmosphere. Bypass vent lines include vent closure valves which are coupled at one end to the trunk vent line of the vessel and at the other end to the cargo expansion trunk of at least one cargo compartment of the vessel. The vent closure valves are adapted to be opened and couple the trunk vent line to the cargo expansion trunk of the cargo compartment through the bypass vent line and thereby bypass the

pressure/vacuum relief valve of the branch vent line to vent contaminated gases from the cargo compartment through the cargo expansion trunk and the bypass vent line to the trunk vent line of the vessel.

The Wasenius `629 patent relates to the transportation of oil utilizing a vessel which allows gases, and possibly liquid as well, to expand into a trunk space positioned above the tank. The trunk, in turn, is connected to a pipe arrangement for receiving redistributing liquid and possibly gases by way of the pipelines. One disadvantage of the arrangement disclosed in Wasenius is that should liquid collect in a section of the pipe arrangement, i.e., an elbow or the like, it may cause overpressurization from the resulting blockage. On the other hand, the system disclosed and claimed in the present application allows gases and liquids to always seek their natural level – gas on top, with liquid underneath. Thus, the system of the present application prevents any entrapment of liquids and is operable by way of an expansion trunk individually associated with a respective tank therebelow, the trunk not being associated with any pipelines to receive fluids from the tank other than the pipeline included only for venting of the tank.

As indicated in the Office Action, Conway `922 does not disclose that each expansion trunk is located as far forward as possible. It is respectfully submitted that Wasenius does not supply the defects of Conway with respect to the present invention as recited in the claims as amended herein. In particular, the benefits provided by the present invention, and as recited in the claims as amended, are clearly not predictable by a combination of Conway and Wasenius.

Neither Conway nor Wasenius disclose or suggest the dimensional and volumetric criteria as set forth in the claims as amended herein. Moreover, neither Conway nor Wasenius disclose or suggest the dimensional limitations of the elongated slots in the deck plates as recited for example, in Claims 9, 21 and 24 as amended herein. Accordingly, it is respectfully submitted that the claims as amended herein are clearly patentable over Conway and Wasenius, considered individually or in combination, in whole or in part.

In the Office Action, Claims 14 and 15 were rejected under 35 U.S.C. §103(a) over Conway and Wasenius as combined for Claim 1, and further in view of U.S. Patent No. 1,006,740 to Butterworth. The comments presented hereinabove with respect to the Conway and Wasenius patents are hereby repeated with respect to the rejections of Claims 14 and 15.

The Butterworth '740 patent relates to a method of cleaning, scaling and gas freeing bulk cargo tanks of tank vessels comprising heating a cleaning liquid and directing the liquid and in streams with force against the sides and the bottom walls of the tanks, and simultaneously removing the used liquid at a rate to maintain the bottom walls free of liquid and in condition to be cleaned by the same operation.

The Butterworth process limits the tank to gas and liquids resulting from tank cleaning operations as compared to the purpose of the tanks according to the present invention. Moreover, the Butterworth process reduces the internal capacity of the vessel, while the present invention increases the internal capacity. The present invention is not related at all to tank cleaning or related improvements.

It is respectfully submitted that Claims 14 and 15 as amended herein recite the present invention in a patentable manner in view over Conway, Wasenius and Butterworth, considered individually or in combination, with themselves or with the remaining art of record, in whole or in part. Accordingly, withdrawal of the rejection of Claims 14 and 15 is respectfully requested.

Rejection Under 35 U.S.C. § 112, second paragraph

It is respectfully submitted that the claims as amended herein distinguish the invention patentably over the art which is cited in the Office Action considered individually or in combination with themselves or with the remaining art of record, in whole or in part. Withdrawal of the rejections contained in the Office Action is respectfully requested and allowance of the claims is respectfully requested.

It is respectfully submitted that the claims as amended herein are neither disclosed nor suggested by the art of record, particularly as applied in the outstanding Office Action, considered individually or in combination, in whole or in part.

A Request for Continued Examination is being filed with this Amendment, together with the appropriate fee, estimated to be \$810.

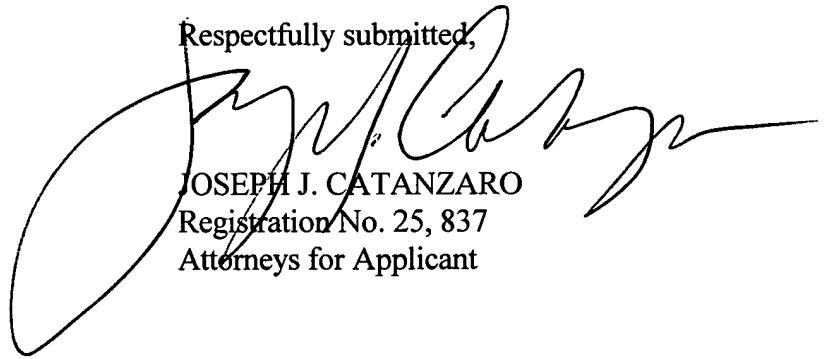
A Petition for an Extension of Two Months to and including May 3, 2009 to file a Response to the outstanding Office Action is being submitted herewith, together with the requisite fee, estimate to be \$490.

Please charge any additional fee(s) and credit any overpayments to deposit account no.

01-0035.

Respectfully submitted,

JOSEPH J. CATANZARO
Registration No. 25, 837
Attorneys for Applicant



ABELMAN, FRAYNE & SCHWAB
666 Third Avenue
New York, NY 10017-5621
Tel: (212) 949-9022
Fax: (212) 949-9190